

REMARKS

The present Amendment is submitted in response to the Office Action mailed on April 26, 2010.

The Office Action rejects claims 1, 2 and 5-11 over Fuhrmann in view of WIPO Patent Document No. WO 0205610 to David (David).

To support the rejection over Fuhrmann in view of David, the Examiner asserts that Fuhrmann discloses a discussion unit comprising an electronic device housing ((1)) with an essentially closed casing and at least one exchangeable portion configured as at least one closed rim that is removably mounted to the closed casing.

The Examiner acknowledges that Fuhrmann's exchangeable portion does not consist of a hollow only circumferentially closed rim (422) that is removably mounted to the closed casing so as to cover only a circumferential edge of the closed casing.

The Examiner then asserts that David discloses a display device of an electronics unit to be viewed using a removable frame/panel [110] (page 3, lines 1-4), and that it would have been obvious at the time of invention to have modified Fuhrmann's exchangeable portion configured as a closed rim with David's removable panel [110] (See David's Figs. 1-3), to provide means to a display device of an electronics unit to be viewed by using a removable frame as to cover only a circumferential edge, as claimed.

Applicants respectfully disagree.

While David's removable panel [110] may be an exchangeable portion for viewing a display device of an electronics unit, David's removable panel [110] is not an exchangeable portion (420) consisting of "a hollow only circumferentially closed rim" that is removably mounted to a closed casing (410) as part of a discussion unit "to cover only a circumferential edge" of the closed casing (410), as claimed.

In more detail, David's panel [110] is mounted to cover and overlap outer perimeter portions of a display device to create an aperture (open or closed) for "better viewing." This is clear by viewing the interior surface of Fig. 3, where latch stop [300] defines the circumferential edge of the display device and the portion of the panel [110] that extends in from the circumferential edge, which on its upper or top side (Fig. 1) acts as a horizontal band.

While David's panel [110] may be similar in some sense because it acts as a continuous border about a transparent viewing area, David's panel [110] is not "a hollow only circumferentially closed rim" that is removably mounted to a closed casing as part of a discussion unit "to cover only a circumferential edge," as claimed. David covers a good deal of the surface area of the display panel (see David's Fig. 3), defining a transparent opening or aperture [115] (see David at page 3, lines 1-5).

Applicants respectfully asserts that the broad similarities of David's panel [110] and the claimed element are not sufficient to establish a prima facie case of obvious under the law, and that it would not have been obvious to modify Fuhrmann with the teachings of David to realize the invention as claimed. The

question under §103(a) not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious; Stratoflex, Inc. v. Aeroquip Corp., 218 USPQ 871 (Fed. Cir. 1983).

Perhaps more importantly, Fuhrmann could not be modified by the teachings of David without so changing Fuhrmann as to render it unsatisfactory for its intended purpose (see In re Gordon, 221 USPQ 1125 (Fed. Cir. 1984)), and/or at least change Fuhrmann's respective principles of operation (see In re Ratti, 123 USPQ 349 (CCPA 1959)). Either case compels a legal conclusion that the proposed combinations cannot be obvious under the law (see MPEP 2143.01).

In more detail, Fuhrmann's Figs. 1-3 show that the external wall element ((14)) and rim covers side walls or rim ((6)) of housing element ((3)). It is impossible to modify the external wall element (the exchangeable portion) with David's panel [110] to cover outer perimeter portions of Fuhrmann's housing wall or surface ((5)) without rendering Fuhrmann inoperable. That is, Fuhrmann's external wall element or exchangeable portion ((14)) could not cooperate with the various elements extending from housing wall ((5)) of housing element ((3)), i.e., button keys ((8)), microphone device (10), etc., with David's panel [110].


Fuhrmann's Fig. 1 makes clear how exchangeable portion ((14)) covers and cooperates with shell-shaped housing element ((3))/housing wall ((5)). Fuhrmann is not intended to operate with a transparent opening or aperture [115], as is disclosed by David. Applicants respectfully assert, therefore, that Fuhrmann's exchangeable portion ((14)) could not be modified by the teachings

of David (see David's removable frame or panel [110]) to be a hollow only circumferential closed rim to cover only a circumferential edge, the required claim 1 limitations, and still be operational as intended.

Independent claim 1, and claims 2 and 5-11 that depend from claim 1, are non-obvious and patentable under §103(a) over Fuhrmann in view of David, and applicants respectfully request withdrawal of the rejections thereunder.

Accordingly, the application is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', is written over the typed name and address.

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